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UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

MICROSOFT CORPORATION and  
 ACTIVISION BLIZZARD, INC.,

Defendants.

Case No. 3:23-cv-02880-JSC

**DEFENDANTS' ADMINISTRATIVE  
 MOTION TO CONSIDER WHETHER  
 ANOTHER PARTY'S MATERIAL  
 SHOULD BE SEALED**

Dept.: Courtroom 8—19th Floor  
 Judge: Honorable Jacqueline S. Corley

Pursuant to Civil Local Rules 7-11 and 79-5(f), Defendants Microsoft Corporation (“Microsoft”) and Activision Blizzard, Inc. (“Activision”) (collectively, “Defendants”) respectfully file this Administrative Motion to Consider Whether Another Party’s Material Should Be Sealed in connection with Defendants’ Proposed Findings of Fact and Conclusions of Law (ECF No. 177).

Certain portions of Defendants’ Proposed Findings of Fact and Conclusions of Law contain documents designated by the FTC and several non-parties as confidential or highly confidential. Accordingly, Defendants seek to file under seal:

Document	Portions to Be Filed Under Seal	Designating Party
Defendants’ Proposed Findings of Fact and Conclusions of Law	Page i, lines 22–24	FTC
Defendants’ Proposed Findings of Fact	Page 6, paragraph 33, portions of lines 9–10	Sony
Defendants’ Proposed Findings of Fact	Page 6, paragraph 35, portion of line 16	Sony

Document	Portions to Be Filed Under Seal	Designating Party
Defendants' Proposed Findings of Fact	Page 13, paragraph 70, portions of line 3	Sony
Defendants' Proposed Findings of Fact	Page 13, paragraph 71, portions of lines 7–9	Sony, Nintendo
Defendants' Proposed Findings of Fact	Page 13, paragraph 72, portions of line 10	Sony
Defendants' Proposed Findings of Fact	Page 14, paragraph 75, portions of lines 3–5	Sony
Defendants' Proposed Findings of Fact	Page 14, paragraph 79, portions of lines 19–20	Sony

<b>Document</b>	<b>Portions to Be Filed Under Seal</b>	<b>Designating Party</b>
Defendants' Proposed Findings of Fact	Page 18, paragraph 95, portions of line 15	Nintendo
Defendants' Proposed Findings of Fact	Page 25, paragraph 131, portion of line 24	Sony
Defendants' Proposed Findings of Fact	Page 29, paragraph 154, portions of lines 10-11	Sony
Defendants' Proposed Findings of Fact	Page 29, paragraph 155, portions of lines 10-11	Sony
Defendants' Proposed Findings of Fact	Page 30, paragraph 158, portions of lines 6–13	Sony

Document	Portions to Be Filed Under Seal	Designating Party
Defendants' Proposed Findings of Fact	Page 32, paragraph 168, lines 11–15	Sony
Defendants' Proposed Findings of Fact	Page 32, paragraph 169, portions of lines 18–20	FTC
Defendants' Proposed Findings of Fact	Page 32, paragraph 170, portions of lines 22–24	Sony
Defendants' Proposed Findings of Fact	Page 34, paragraph 179, line 17 – page 37, paragraph 194, line 7	FTC
Defendants' Proposed Findings of Fact	Page 37, paragraph 198, line 23–24	FTC

Document	Portions to Be Filed Under Seal	Designating Party
Defendants' Proposed Conclusion of Law	Page 44, paragraph 20, portions of lines 5–6	Sony, Nintendo
Defendants' Proposed Conclusion of Law	Page 44, paragraph 21, portions of lines 9	Sony, Nintendo
Defendants' Proposed Conclusion of Law	Page 44, paragraph 21, portions of lines 11–12	Sony
Defendants' Proposed Conclusion of Law	Page 44, paragraph 22, portions of lines 14–16	Sony
Defendants' Proposed Conclusion of Law	Page 44, footnote 3, portions of line 27–28	Sony

Document	Portions to Be Filed Under Seal	Designating Party
Defendants' Proposed Conclusion of Law	Page 45, paragraph 25, portions of lines 17–18	FTC
Defendants' Proposed Conclusion of Law	Page 47, paragraph 29, portions of line 9	FTC
Defendants' Proposed Conclusion of Law	Page 47, paragraph 30, portion of line 10	Sony
Defendants' Proposed Conclusion of Law	Page 47, paragraph 32, portions of lines 21–23	FTC
Defendants' Proposed Conclusion of Law	Page 48, paragraph 33, portions of lines 2–3	FTC

Document	Portions to Be Filed Under Seal	Designating Party
Defendants' Proposed Conclusion of Law	Page 52, paragraph 46, portions of lines 10–11	FTC
Defendants' Proposed Conclusion of Law	Pages 53–54, paragraph 51, portion of lines 25, 1–3	Sony
Defendants' Proposed Conclusion of Law	Page 54, paragraph 51, portion of lines 3–5	FTC
Defendants' Proposed Conclusion of Law	Page 54, paragraph 52, lines 15-17	Sony
Defendants' Proposed Conclusion of Law	Page 56, paragraph 58, portion of line 7	FTC



Document	Portions to Be Filed Under Seal	Designating Party
Defendants' Proposed Conclusion of Law	Page 57, paragraph 61, line 4 – page 60, paragraph 72, line 15 & footnotes 10-11	FTC
Defendants' Proposed Conclusion of Law	Page 61, paragraph 74, lines 6–7	FTC
Defendants' Proposed Conclusion of Law	Page 61, paragraph 76, lines 17–19	FTC
Defendants' Proposed Conclusion of Law	Page 62, paragraph 78, lines 5–7	FTC
Defendants' Proposed Conclusion of Law	Page 62, paragraph 79, lines 15–16	FTC

Document	Portions to Be Filed Under Seal	Designating Party
Defendants' Proposed Conclusion of Law	Page 63, paragraph 81, lines 1–3	FTC
Defendants' Proposed Conclusion of Law	Page 64, paragraph 85, portions of lines 6–7	FTC
Defendants' Proposed Conclusion of Law	Page 64, paragraph 85, portions of lines 12–13	Sony
Defendants' Proposed Conclusion of Law	Page 64, paragraph 86, portions of lines 14–15	FTC
Defendants' Proposed Conclusion of Law	Page 66, paragraph 89, portions of lines 6–9	FTC

Document	Portions to Be Filed Under Seal	Designating Party
Defendants' Proposed Conclusion of Law	Page 67, paragraph 91, portions of lines 1–5	FTC
Defendants' Proposed Conclusion of Law	Page 67, paragraph 92, portions of lines 6–7, 13–14	FTC
Defendants' Proposed Conclusion of Law	Page 69, paragraph 96, portions of lines 2-4	Nvidia
Defendants' Proposed Conclusion of Law	Page 70, paragraph 102, portions of line 25-27	Nvidia

Materials and documents may be provisionally filed under seal pursuant to Civil Local Rule 79-5(a)-(c). Defendants have redacted the above-referenced green-highlighted portions of their Opposition and supporting materials because the non-parties have designated the information contained therein as confidential or highly confidential. Defendants note that the unredacted copy of Defendants' Proposed Findings of Fact and Conclusions of Law also contains yellow-highlighted

portions, which correspond to Defendants' Administrative Motion To Seal Defendants' own information (ECF No. 177). The unredacted version of Defendants' Proposed Findings of Fact and Conclusions of Law is filed at ECF No. 178-2.

In accordance with Civil Local Rule 7-11, Defendants have filed a Proposed Order herewith.

Dated: June 22, 2023

Respectfully submitted,

By: /s/ Beth Wilkinson

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